

MT LEGISLATIVE HISTORY

Chapter 645 19 87

Bill (H) 460 S \_\_\_\_\_

Original bill & hist. \_\_\_\_C

H. Committee on Judiciary

S. Committee on Finance & Claims

Hearing Date(s) Feb 13 ✓C

Hearing Date(s) Apr 04 ✓C

Feb 21 ✓C

\_\_\_\_C

\_\_\_\_C

\_\_\_\_C

\_\_\_\_C

\_\_\_\_C

Date Out \_\_\_\_\_C

Apr 04 ✓C

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Did this bill originate in an interim committee? \_\_\_\_Yes \_\_\_\_No

Committee \_\_\_\_\_

Report \_\_\_\_\_

Note: A free conference committee  
was appointed, but its minutes  
are unavailable.

STATUS SHEET

50th LEGISLATIVE SESSION

JUDICIARY

COMMITTEE

| HOUSE<br>BILL<br>NUMBER | ENTERED<br>COM.<br>DATE | DATE<br>CON-<br>SIDERED | OUT OF<br>COM.          | DO PASS<br>DATE | DO NOT<br>PASS<br>DATE | DO<br>PASS AS<br>AMENDED<br>DATE | DO NOT<br>PASS AS<br>AMENDED<br>DATE | BE CON-<br>CURRED<br>IN<br>DATE | BE<br>NOT CON-<br>CURRED<br>IN<br>DATE | BE CON-<br>CURRED IN<br>AMENDED<br>DATE | BE<br>CON<br>I<br>AM<br>D |
|-------------------------|-------------------------|-------------------------|-------------------------|-----------------|------------------------|----------------------------------|--------------------------------------|---------------------------------|----------------------------------------|-----------------------------------------|---------------------------|
| 419                     |                         | 2/5/87                  | failed to meet deadline |                 |                        |                                  |                                      |                                 |                                        |                                         |                           |
| 430                     |                         | 2/18/87                 | 2/18/87                 | 2/18/87         |                        |                                  |                                      |                                 |                                        |                                         |                           |
| 435                     |                         | 2/2/87                  | 2/6/87                  |                 |                        | 2/6/87                           |                                      |                                 |                                        |                                         |                           |
| 442                     | 1/2/87                  | 2/4/87                  | 2/12/87                 |                 |                        | 2/12/87                          |                                      |                                 |                                        |                                         |                           |
| 448                     |                         | 2/13/87                 | 2/18/87                 | tabled          |                        |                                  |                                      |                                 |                                        |                                         |                           |
| 460                     |                         | 2/13/87                 | 2/21/87                 |                 |                        | 2/21/87                          |                                      |                                 |                                        |                                         |                           |
| 468                     |                         | 2/12/87                 | 2/14/87                 | tabled          |                        |                                  |                                      |                                 |                                        |                                         |                           |
| 470                     |                         | 2/17/87                 | 2/18/87                 |                 |                        | 2/18/87                          |                                      |                                 |                                        |                                         |                           |
| 472                     |                         | 1/30/87                 |                         |                 |                        | 2/17/87                          |                                      |                                 |                                        |                                         |                           |
| 474                     |                         | 2/12/87                 | 2/20/87                 |                 |                        | 2/20/87                          |                                      |                                 |                                        |                                         |                           |
| 475                     |                         | 2/18/87                 | 2/21/87                 | tabled          |                        |                                  |                                      |                                 |                                        |                                         |                           |
| 478                     |                         | 2/9/87                  | 2/21/87                 |                 |                        | 2/21/87                          |                                      |                                 |                                        |                                         |                           |
| 482                     |                         | 2/13/87                 | 2/20/87                 |                 |                        | 2/20/87                          |                                      |                                 |                                        |                                         |                           |
| 491                     |                         | 2/13/87                 | 2/20/87                 | 2/20/87         |                        |                                  |                                      |                                 |                                        |                                         |                           |

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

involuntary produced language has been stricken and a person involuntarily intoxicated should not be included as a defense.

Mr. Racicot stated that the proposed amendment does speak to this issue.

Rep. Gould also stated that the proposed amendment will cover this problem.

Rep. Eudaily asked Mr. Racicot if there is a definition of intoxication. He stated that he believes intoxicated substance is defined in the criminal code.

Rep. Gould closed the hearing on HB 558 by stating that drunkenness as a defense must be stopped. He urged support for this legislation.

HOUSE BILL NO. 598, Rep. Rapp-Svrcek, District No. 51, stated that when Montana adopted the new criminal code in 1973, the writer wanted to make it clear that proving resistance was not required in a rape case. This bill provides that resistance by the victim is not required to show that an act that is an element of a sexual offense was without consent of the victim. He further stated that for the record the Woman's Law Caucus, from the University of Montana helped him work on the bill.

PROPOSERS:

SANDY CHANEY, Women's Lobbyist Fund, stated that she strongly supports HB 598 because it provides legal recourse for people who live under constant intimidation and constant fear. She submitted written testimony. (Exhibit A).

MARK J. MURPHY, Assistant Attorney General, representing the County Attorney's Association, stated that the Association supports this legislation.

See Visitors' Register for further proponents.

There were no opponents and no questions.

Rep. Rapp-Svrcek closed the hearing on HB 598.

HOUSE BILL NO. 460, Rep. Keenan, District No. 66, stated that this bill is very basic. It raises the fee in divorce proceedings. Page 5 states that the fee is raised from \$30.00 to \$55.00 with \$50.00 being deposited in the state general fund and \$5.00 to be deposited in the children's trust fund. She stated that the purpose in this raise is to fund displaced homemakers in the state.

PROPOSERS:

LYNN ROBSON, Displaced Homemakers Center, Bozeman, submitted written testimony. (Exhibit A). She stated that presently the Center is serving only the lowest income women in the state and they are an employment project. She urged support for this legislation.

DONNA K. PORTER, Program Director at the Training Institute for Displaced Homemakers, requested that this program continue to be funded because if it is not funded the women will have to go on public assistance. She urges support.

BUNNY ALBERS, Director of the Displaced Homemakers in Great Falls called Women in Transition, stated that money spent helping displaced homemakers to go to work is money invested in the future of Montana. She urged support for this legislation.

CONNIE MOUGEOT, State Displaced Homemakers, stated that she personally is a success story due to the help she received from this program and she strongly urged support.

EVELYN DENIN, Bozeman, acknowledged that she is a client of the displaced homemakers program and urged support for this legislation.

ANGELA AUSTIN, stated that this program is a lifeline for women and children.

DARLA TUCKER, Bozeman went on record in support of this bill.

CINDEY STERGUR, Director of Butte Displace Homemakers, stated that they do not operate in isolation but with other agencies in the community. She strongly urged support.

SANDY CHANEY, Women's Lobbyist Fund, pointed out that the Displaced Homemaker Program is one that needs and deserves our continued support. The WLF urged a do pass on this bill. She submitted written testimony. (Exhibit B).

JIM WHELEN, Human Potential Development Specialist, stated that they support continued funding.

See Visitors' Register for further proponents.

There were no opponents.

Rep. Eudaily asked Rep. Keenan if all of the additional money created through this bill is available for matched money. She stated, "yes".

Rep. Keenan closed the hearing on HB 460 by stating that the next bill to be addressed by Rep. Winslow has been discussed by the two of them and they recommend that both bills be put together.

HOUSE BILL NO. 448, Rep. Winslow, District No. 89, stated that this act increases the filing fee for a petition for dissolution of marriage to \$38.00 to provide for disposition to the state general fund. He pointed out that a decision that may have to be made is one which allows the petition to go beyond \$50.00. He proposed amendments to the bill requesting that the filing of a petition cost \$50.00 with \$25.00 going to the Big Brothers and Sisters Program.

LINDA LEFAVOUR, Missoula, State Director of the Big Brothers and Sisters and the Chairman of the State Federation of Big Brothers and Sisters of Montana, stated that we are a cost effective, prevention program where "so little money serves so many". She submitted written testimony. (Exhibit A).

FRED VAN VALKENBURG, Senator, stated that he strongly urges support and further urged that funds be earmarked. He pointed out that divorce has a tremendous cost to society and we need to attempt to recover some of that cost in the initial process when the couples are going through the difficult time.

REP. JACK SANDS, Billings, urged support for this bill. He stated that the Big Brothers and Sisters Program makes a difference.

MIKE HALLIGAN, Senator, pointed out that the one on one focus of this program is so important and he suggested that a balance be made between both programs so both can benefit and he requested a serious consideration.

ARTHUR THOMPSON, Attorney, Billings, stated that the Big Brothers and Sisters Program changes lives, and is an organization that is cost effective and is a preventive method which has a 99% show of dramatic improvement for its members. He strongly urged support for this bill.

MARK KESTER, Missoula, a little brother in the program, stated that the program is well worth being a part of. He urged support for this legislation.

JASON WOOD, Helena little brother, submitted written testimony, (Exhibit B), stating that without the funds there would be no program and he urged support.

TERESA GRAHAM, Helena, stated that the dollars being spent on prevention saves money that would have to be spent later

on intensive therapy or corrections. She urged support and submitted written testimony. (Exhibit C).

DEANNA ANDERSON, Butte, Board Member of the Big Brothers and Sisters Program, stated that this program builds self-esteem and she urged support for this bill and interest toward becoming a volunteer.

JOANNE SHERWOOD, Helena, stated that she favors the divorce fee increase. She pointed out that the program works at the root of the problem with juvenile delinquency and she urged that a portion of the divorce fee be earmarked. She submitted written testimony. (Exhibit D).

STANLEY ROSENBERG, Bozeman, went on record in support of this legislation.

DAVE FULLER pointed out that 78% of the program's money is privately raised and he urged support for this bill.

There were no opponents to this bill.

Rep. Winslow closed the hearing on HB 448 by stating that if fees for divorces were increased, maybe there would not be an increase in divorces.

HOUSE BILL NO. 491, Rep. Spaeth, District No. 84, stated that this act submits to the qualified electors of Montana an amendment to article VII, Section 9, of the Montana Constitution to provide that the Legislature may establish specific residency requirements for judges other than Supreme Court justices, District Court judges and justices of the peace. He stated that small towns are facing a problem and HB 491 is broad based and will cover the problems.

JIM HAYNES, Montana Magistrate Association, stated that he agrees with this bill as a direct way of solving the problem and he urged support.

ALEC HANSEN, Montana League of Cities and Towns, urged support for this legislation.

REP. SCHYE, went on record in support of HB 491.

LARRY HERMAN, Laurel, City Judge and a member of the Commission on Courts of limited Jurisdiction and a practicing attorney, stated that HB 564 has a better chance of passage but he does support this bill.

Rep. Speath closed the hearing on HB 491.

## DAILY ROLL CALL

JUDICIARY

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb. 13, 1987

| NAME                 | PRESENT | ABSENT | EXCUSED |
|----------------------|---------|--------|---------|
| JOHN MERCER (R)      |         |        | ✓       |
| LEO GIACOMETTO (R)   | ✓       |        |         |
| BUDD GOULD (R)       | ✓       |        |         |
| AL MEYERS (R)        | ✓       |        |         |
| JOHN COBB (R)        | ✓       |        |         |
| ED GRADY (R)         | ✓       |        |         |
| PAUL RAPP-SVRCEK (D) | ✓       |        |         |
| VERNON KELLER (R)    | ✓       |        |         |
| RALPH EUDAILY (R)    | ✓       |        |         |
| TOM BULGER (D)       | ✓       |        |         |
| JOAN MILES (D)       | ✓       |        |         |
| FRITZ DAILY (D)      | ✓       |        |         |
| TOM HANNAH (R)       | ✓       |        |         |
| BILL STRIZICH (D)    | ✓       |        |         |
| PAULA DARKO (D)      | ✓       |        |         |
| KELLY ADDY (D)       | ✓       |        |         |
| DAVE BROWN (D)       |         | ✓      |         |
| EARL LORY (R)        | ✓       |        |         |
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EXHIBIT A  
DATE 2-13-87  
HB # 460 **TRANSITION**  
Gallatin Council on Health & Drugs

**WOMEN  
IN**

202 South Black • P.O. Box 1375 • Bozeman, MT 59715 • (406) 587-1721

**THE MONTANA DISPLACED HOMEMAKER SYSTEM**  
**A Job Placement *Program***

The state of Montana has a system in place which puts public assistance recipients to work. The Montana Displaced Homemaker System serves clients who earn less than 70% of poverty.

During the 12 months ending June 30, 1986 the centers enrolled 774 clients and placed in unsubsidized jobs 429 clients. Of the clients served 206 were receiving welfare. The programs not only reduce public assistance roles by direct removal of recipients but also by prevention. Because all clients are low income they are potential welfare recipients; if centers can serve them before they enroll, welfare dollars will be saved.

There are 12 Displaced Homemaker Centers in Montana receiving \$125,000 in state funds a year and about \$300,000 in JTPA federal funds a year for a total of \$425,000 or \$35,416 per center. At that rate each of the 429 placements in jobs cost \$990. Looking only at clients served by state funds 150 clients were placed in jobs for a cost of \$893 per placement. This cost per placement is the lowest of any Montana job placement program for any targeted population. When this inexpensive cost per placement is compared with the cost of maintaining one family on public assistance it is clear that funding these programs saves the public funds. It costs an average \$700 per month to maintain a family of 3 on public assistance (medicare, fuel assistance, rent assistance, food stamps and AFDC). When we place 429 clients in jobs a potential \$300,300 is not spent in public assistance programs. It costs the state \$125,000 a year to save that amount.

Potential need in the state of Montana can be understood by knowing that there are 20,117 female heads of households in Montana according to the 1980 Census. The median income of those households with children under 6 is \$4,931 also according to the 1980 Census. There are 9,173 families on AFDC in Montana and most of them are female heads of household according to SRS using 1986 data. In 1986 according to the Department of Labor there were 4,704 women in the Montana workforce. This adds up to a total of 15,000 single female heads of household as discouraged workers and potential public assistance candidates.

The centers are eligible for sources of money which require a dollar for dollar match. The centers have been able to raise 30% more in funds for the centers to serve even more potential public assistance candidates by using this match. If the state provides \$125,000 at a minimum a great deal more in funds is generated through private and public sources.

Support LC 1067 sponsored by Rep. Nancy Keenan and signed by Rep. Norm Wallin and Sen. Paul Boylan among others.



# WOMEN'S LOBBYIST FUND

Box 1099  
Helena, MT 59624  
449-7917



February 13, 1987 EXHIBIT B

DATE 2-13-87

HB # 460

Testimony for HB 460

Mr. Chairman and members of the committee:

My name is Sandy Chaney. I am here today for the Women's Lobbyist Fund. The WLF supports the intent of HB 460 which would increase the marriage dissolution fee and place a portion of the fee collections in the General Fund for the Montana Displaced Homemaker Program.

The Displaced Homemaker Program, made up of 12 centers throughout the state, receives combined federal and state funds of \$450,000. Of this amount \$125,000 comes from the state. This money spent is a favorable investment. The long-term gains exceed any cost that is incurred.

Through this program money that might have been given to welfare recipients is saved. - All of the clients in the Displaced Homemaker Program are low-income, and thus, possible recipients of welfare. However, when these individuals can obtain jobs as a result of the Program, they do not need to rely on General Assistance.

Displaced Homemaker Programs, serving just under 800 women, enable individuals to obtain jobs and become tax payers. In Butte, for example, Career Futures has served 130 women in approximately one year. Eighty percent of these clients have jobs or are seeking additional training, primarily in vo-techs or in higher education. State-wide, the average wage for women who have secured work with the help of the Displaced Homemaker Program is about five dollars an hour. These women will pay back the cost of their training through taxes on their own wages, sometimes within a year to a year and a half.

The Displaced Homemaker Program is one that needs and deserves our continued support. The Women's Lobbyist Fund urges you to pass this bill.

## VISITORS' REGISTER

Judiciary

COMMITTEE

BILL NO.

460

DATE

Feb 13, 1987

SPONSOR

| NAME (please print)     | RESIDENCE               | SUPPORT      | OPPOSE |
|-------------------------|-------------------------|--------------|--------|
| Connie Mougout          | 2012 Reg Ave            | X            |        |
| Dorothy K. Porter       | 6382 Hwy 12 W           | X            |        |
| Marlene Mc Cart         | 414 So Mont             | X            |        |
| <del>XXXXXXXXXXXX</del> | <del>XXXXXXXXXXXX</del> | <del>X</del> |        |
| Cinder Herrera          | 2245 West Dr - Butte    | X            |        |
| Norma Harris            | Helena                  | X            |        |
| Sandy Chaney            | Women's Lobbyist Fund   | X            |        |
| Burns/Hicks             | 521-6th Ave - Skt Inc   | X            |        |
| <del>XXXXXXXXXXXX</del> | 1014 So Grand, Bozeman  | X            |        |
| Barbara Archer          | W L F                   | X            |        |
| Jim                     | Helena                  | X            |        |
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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

The motion CARRIED 10-3 with Reps. Daily, Miles and Rapp-Svrcek dissenting. Rep. Mercer moved to amend the title by adding, "chemical dependency or abuse by one of the parents to the relevant factors the court must consider" and inserting such language on page 2, line 4. Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments attached). Rep. Mercer moved DO PASS AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED unanimously. HB 566 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 761: Rep. Meyers moved DO PASS. Rep. Mercer stated that this bill will benefit the residents of Montana. Rep. Miles stated that she has problems with the bill in terms of the intent of bail. Rep. Rapp-Svrcek wondered if this bill mostly deals with indigents. Rep. Strizich explained that this bill simply reduces the amount of people in the jails and helps jail staff problems. We do not need to endorse the bail bond business because it is better to get the people home rather than having them sitting in jail. Question was called and a voice vote was taken. The motion CARRIED 13-2, with Reps. Gould and Cobb dissenting. HB 761 DO PASS.

ACTION ON HOUSE BILL NO. 460: Rep. Brown moved DO PASS and moved his amendments. He explained them and opened discussion. Rep. Meyers stated that he is concerned about the hidden taxes. Rep. Brown explained that it is not hidden and it is on only the people who are creating the problems or potentially creates the problem. Rep. Rapp-Svrcek pointed out that the Big Brothers and Sisters organization was satisfied with \$25.00. He stated that \$155.00 is too big a chunk to swallow, so, he suggested that we economize. Rep. Gould agreed with Rep. Brown and stated that when an organization like Big Brothers and Sisters is only getting 23% and is raising 77% on their own, we should give them the help they need. Rep. Mercer stated that the dissolution fee should be adjusted accordingly. Rep. Bulger suggested that the divorce fee be set at \$100.00. Rep. Brown stated the accounting would go like this: \$40.00 will go to the displaced homemakers, \$35.00 to the Big Brothers and Sisters, \$25.00 to the district courts, less \$5.00 for the present child trust fund. Coordination instructions should be included that ties this bill to Rep. Pistoria's increase, plus language that ties it to Title 39, Chapter 7, part 3, for the \$40.00 increase, plus a flat fee and the effective date of July 1, 1991. Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments attached). Rep. Gould moved DO PASS AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED unanimously. HB 460 DO PASS AS AMENDED.

DAILY ROLL CALL  
JUDICIARY

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb. 21, 1987

| NAME                 | PRESENT | ABSENT | EXCUSED |
|----------------------|---------|--------|---------|
| JOHN MERCER (R)      | ✓       |        |         |
| LEO GIACOMETTO (R)   | ✓       |        |         |
| BUDD GOULD (R)       | ✓       |        |         |
| AL MEYERS (R)        | ✓       |        |         |
| JOHN COBB (R)        | ✓       |        |         |
| ED GRADY (R)         | ✓       |        |         |
| PAUL RAPP-SVRCEK (D) | ✓       |        |         |
| VERNON KELLER (R)    | ✓       |        |         |
| RALPH EUDAILY (R)    | ✓       |        |         |
| TOM BULGER (D)       | ✓       |        |         |
| JOAN MILES (D)       | ✓       |        |         |
| FRITZ DAILY (D)      | ✓       |        |         |
| TOM HANNAH (R)       |         | ✓      |         |
| BILL STRIZICH (D)    | ✓       |        |         |
| PAULA DARKO (D)      | ✓       |        |         |
| KELLY ADDY (D)       | ✓       |        |         |
| DAVE BROWN (D)       |         | ✓      |         |
| EARL LORY (R)        | ✓       |        |         |
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CHAIRMAN--SEN. PAT REGAN  
NORMAL SCHEDULE==> SITE: ROOM 108

DAYS: MON THRU FRI TIME: 8:00 A.M.

SECRETARY--SYLVIA KINSEY

| --BILL NO--        | REFER DATE | HEARING DATE | CONSIDERATION DATES                                                          | COMMITTEE ACTION  | REREFERRED TO COMM | DATE OUT |
|--------------------|------------|--------------|------------------------------------------------------------------------------|-------------------|--------------------|----------|
| HB0214             | 2/03       | 2/09         | 2/9, 2/11                                                                    | ADVERSE REPORT    |                    | 2/11     |
| BROWN, JAN         |            |              | AUTHORIZING INCREASED EMERGENCY OR DISASTER EXPENDITURES BY GOVERNOR         |                   |                    |          |
| HB0233             | 1/26       | 2/02         | 2/2, 4/11                                                                    | CONCUR            |                    | 4/11     |
| BARDANOUE, FRANCIS |            |              | ESTABLISH STATE COMPENSATION PLANS/BENEFIT LEVELS AND 1988-89 PAY SCHEDULES  |                   |                    |          |
| HB0243             | 3/23       | 3/31         | 3/31                                                                         | ADVERSE REPORT    |                    | 3/31     |
| HARPER, HAL        |            |              | STATUTORY APPROPRIATION OF PART OF LICENSE FEES FOR LOCAL HEALTH INSPECTIONS |                   |                    |          |
| HB0248             | 2/13       | 3/05         | 3/5                                                                          | CONCUR            |                    | 3/5      |
| SIMON, BRUCE       |            |              | RECOVERY OF STATEWIDE CENTRALIZED SERVICE COSTS                              |                   |                    |          |
| HB0357             | 2/10       | 3/11         | 3/11, 3/26                                                                   | ADVERSE REPORT    |                    | 3/26     |
| BARDANOUE, FRANCIS |            |              | REQUIRING STATE AGENCY TO MAKE EXPENDITURES ACCORDING TO OPERATING BUDGET    |                   |                    |          |
| HB0373             | 3/31       | 4/04         | 4/4                                                                          | CONCUR            |                    | 4/4      |
| DARKO, PAULA       |            |              | CLAIM LOAD TO DETERMINE STAFFING FOR WORKERS' COMPENSATION DIVISION          |                   |                    |          |
| HB0391             | 2/02       | 2/09         | 2/9, 2/11                                                                    | CONCUR            |                    | 2/11     |
| THOFT, BOB         |            |              | ALLOW MONTANA HISTORICAL SOCIETY TO EXPEND DEFERRED SUBSCRIPTION INCOME      |                   |                    |          |
| HB0434             | 3/02       | 3/16         | 3/6, 3/30                                                                    | CONCUR AS AMENDED |                    | 3/30     |
| DONALDSON, GENE    |            |              | SUPPLEMENTAL APPROP. TO VARIOUS STATE AGENCIES FOR CURRENT FISCAL YEAR       |                   |                    |          |
| HB0460             | 3/31       | 4/04         | 4/4                                                                          | CONCUR            |                    | 4/4      |
| KEENAN, NANCY      |            |              | PERMANENTLY INCREASE MARRIAGE DISSOLUTION FEE; PROVIDE FOR FEE DISPOSITION   |                   |                    |          |
| HB0489             | 2/11       | 3/05         | 3/5                                                                          | CONCUR            |                    | 3.5      |
| MILES, JOAN        |            |              | STATUTORY APPROPRIATION OF DONATED FUNDS FOR MEDICAL ASSISTANCE              |                   |                    |          |
| HB0523             | 3/10       | 3/17         | 3/17, 3/26                                                                   | CONCUR            |                    | 3/26     |
| PAVLOVICH, BOB     |            |              | CHECK-OFF ON STATE TAX RETURN TO FUND STATE VETERANS' CEMETERY               |                   |                    |          |

drop that fast. There's a gradual increase since 1985 through now; there's been an increase from 5,000 to 8,000 open claims based on a lot of things. Court decisions keeping claims open for a long period of time, etc. It will grow for a little while. It is 3 or 4 years at least until the worker goes off the cycle.

Senator Bengtson asked, and this sort of trigger mechanism that would allow you to hire help is something that you can predict and you feel there are people that would be willing to take this kind of a job on a temporary basis because when the work load eases off they wouldn't be on board. Mr. Robinson answered, there is enough turn over in state government so if you brought someone on and then saw yourself trailing out as someone left you would not fill that position, but as the trigger works when you've got 300 cases and nobody had left, you would have to lay someone off, and I think you would lay off the last person on.

Senator Hammond said, following that, you go before the Legislative Finance Committee whenever you want to increase this. Doesn't it seem a little cumbersome to have to go before them in order to lay anybody off? Mr. Robinson said, I don't think they want us to worry about coming to see them to lay someone off. Senator Hammond said, it is in here -- increase or decrease. Mr. Robinson said, we would probably just inform them at that point. We get approval from the budget office and inform the Legislative Finance Committee.

Senator Keating said, it would probably be that B312 that we were talking about. If you are going to change your budget plan you file that B312 with the Department and the Legislative Finance Committee. The Administrator still has the authority to do it, it is notification.

There were no further questions and Representative Darko in closing said she would like to remind the committee that the caseload has been very high for several years. She said she had been told that at one time we had over 9,000 open cases which was upward of 500 per caseload.

Senator Regan declared the hearing closed and said we would take up House Bill 460.

CONSIDERATION OF HOUSE BILL 460: AN ACT PERMANENTLY INCREASING THE FEE FOR DISSOLUTION OF MARRIAGE; PROVIDING FOR FEE DISPOSITION; amending and repealing sections and providing an effective date.

Representative Keenan, House District 66 and chief sponsor of House Bill 460 said, I would like to give you a little history so you would know how it all started out. I had come in with a bill requesting additional monies to fund the displaced homemakers program in the state and Representative

Winslow came with the same piece of legislation raising the divorce fees to receive money to fund the Big Brothers and Sisters Program. At that point we put our heads together and decided we may as well go about this together, and consequently a revised House Bill 460. We raised the petition for dissolution of marriage to a fee of \$100. That is broken out -- you take \$25 immediately to maintain district courts. There was a lot of discussion in House Appropriations and it was their decision to leave that \$25 in. \$35 goes to the Big Brothers and Sisters Program and the remaining \$40 goes to the displaced homemakers. When you break out the \$40, there was a base of \$5 that was earmarked for the Displaced Homemakers Program.

Representative Keenan said she had a bit of back ground on Montana statistics and a sheet of statistica information was passed out and is attached as exhibit 1, House Bill 460. She said also, we have 12 programs in the state for displaced homemakers and this past year they served about 774 clients and placed 429 of those women in jobs. Of those served 206 were receiving welfare. The program not only reduces public assistance but in essence has kept many women off the public assistance roles.

PROPOSERS TO HOUSE BILL 460: Barbara Archer, Womens Lobbyist Fund said, we support House Bill 460. This bill will provide funding to meet the needs of various important and efficient programs. Ms. Archer gave statistics, told how efficient the displaced homemakers program was in placing women in jobs, etc.

There were no further proponents, no opponents, and Senator Regan asked if there were questions from the committee.

QUESTIONS FROM THE COMMITTEE: Senator Hammond asked, how do the Carl Perkins funds become eligible? Representative Keenan said, I think there are some Carl Perkins funds. When they have state monies they can get federal match. They receive JTPA, federal funds and I believe they do receive some Carl Perkins funds.

Senator Hammond said, You mentioned that, but it surprised me since that is usually vo-ag, vo-tech, that sort of thing. Representative Keenan said it is vocational training that they are doing. I don't think it is substantial but they do receive some.

Senator Hims1 said, mine is on the construction of the bill. Why on page 1 is this whole structure temporary and then the effective date on the rest of it is 1990. Is there an explanation for that? Representative Keenan said, I believe the date is July 1 because that is when they can get federal money. Senator Hims1 said, on page 1 it starts out with temporary fees, a temporary section of the statute and then

it becomes permanent on page 3, and the effective date is 1990. I am wondering why that is structured that way. Representative Keenan said, I believe the District Court is the \$25 that I referenced to, and that is the same problem the House Appropriation committee was having with that, to figure out where that money goes and why it was temporary. The answer, Senator Hims1, the drafter and the staffer insisted to the Appropriations committee that that has to be in there because of other codifications. For some reason they thought it had to be that way because of the court section.

Senator Bengtson said, I can see the disposition of the funds in the statutes. Where do we find that -- the district court and Big Brothers and Sisters, etc. Representative Keenan said that also happened in the House Appropriation committee that they deleted all of the statutory appropriation, it just goes to the general fund and then in House Bill 2, it is directed for so much for each.

Senator Bengtson said, I know we established the Displaced Homemakers to be a statute, but Big Brothers and Sisters -- I don't know how that gets in. I don't remember ever addressing the support and endorsement for Big Brothers and Sisters Program. Is that true, or what? Representative Keenan said, the Displaced Homemakers Program was statutorily appropriated. This session with this bill, we have decided to delete the statutory appropriation and put it in the big bill, but we raised the fees almost twice as much and shared the money.

Senator Bengtson asked, isn't that a rather strange way for a program to wriggle their way in for state appropriations?

Senator Hims1 said he would like to request an answer from a gentleman who was present. Jim Murphy said, I am a director for Big Brothers and Sisters here in Helena. Big Brothers and Sisters across the state have always received money from the state to support their budgets. I am not sure of the exact figures, but it is a substantial part of their budget. Senator Regan said it is 15%. Mr. Murphy said that money is no longer going to be available because of the budget problems, and this will put money into the general fund to continue the money to the Big Brothers and Sisters.

Senator Bengtson asked, that then came about through cat and dog appropriation? Mr. Murphy said it appropriates through SRS.

Senator Story asked, how many divorces do you anticipate? Ms. Archer said she did not have the figures with her but could get it for them. Senator Story asked how many replacements? Senator Gage said 419. Senator Story asked

how many centers? Ms. Archer said 12 centers in the state, 8 of them receiving state funds. Senator Story asked how much money do they anticipate getting and was told about \$200,000. Senator Story asked, how many people have they placed? Ms. Archer answered 429 clients of the 774 clients. 200 of those were on welfare.

Senator Jacobson asked, Representative Keenan, what happens to the funding for the Childrens' trust? Representative Keenan said, there is another bill that Representative Bradley has tagging along that came out of House Appropriations when we realized the \$5 childrens trust was taken out. Representative Bradley has a bill on the Appropriations side that takes care of that.

Senator Keating said, I notice that most of the displaced homemakers centers are in areas that have job service, JTPA, WIN etc. that serve to obtain jobs and train people to get jobs, etc. How does the displaced homemakers differ from job service and WIN programs in helping to train them to look for jobs and that sort of thing? Ms. Archer said, at the last hearing, a number of people who took part in the displaced homemakers program came forward and testified. What the Displaced Homemakers Program does, is to provide a lot more support and individual attention to people who have often been through extremely traumatic experiences. For instance a woman who had been married 40 years and had 7 children, her husband left her and she had never been out in the job market, and had no self confidence. The Displaced Homemakers Program helps people to pick up their lives when they have been in a fairly middle class situation and have had a huge shock to their lives.

Senator Hammond asked if the big bill says where this money is supposed to go and was told, yes.

Senator Gage said, I am assuming the fiscal note is somewhat in line with what is happening. According to that they indicate 5419 dissolutions of marriages per year according to an average of the judicial system in the past. If each of those have to pay \$100 and this program gets \$75 of that. Representative Keenan said that was as introduced and it has been amended so many times, maybe you want to request a new fiscal note. Senator Gage said that would indicate they get about \$406,000 a year. Representative Keenan said 1/2 to Big Brothers and Sisters and 1/2 to Displaced Homemakers.

There were no further questions and Representative Keenan said in closing she thanked the committee and would urge passage of the bill.

Senator Regan said she would close the hearing and the committee had 10 minutes and perhaps could take some executive action.

DISPOSITION OF HOUSE BILL 460: Motion by Senator Manning that House Bill 460 be concurred in.

Senator Bengtson said, I would like to see an updated fiscal note on this. Senator Regan said, we can ask for one. I am somewhat concerned about the time frame in getting one back. We have a deadline in getting these out.

Senator Gage said, I just gave you one. Using their assumptions and the bill, if the \$75 would bring in \$406,000 a year, the \$25 will bring in 1/3 of that. Senator Regan said, the Displaced Homemaker takes 40% of that. 25% goes to district court, 35% to Big Brothers and Sisters. That is not spelled out in the bill but it is addressed in the way they apportion the anticipated revenue in House Bill 2.

Senator Story said, in House Bill 2, instead of setting an amount for these people say it depends on this bill? Senator Regan said, no, they have anticipated an average and appropriated the money. Senator Story said, but that money is appropriated even if we kill this bill and Senator Regan said yes, unless you bring the bill over here and take it out.

Senator Story said, there is no boiler plate language saying that whatever this raises they get. Senator Regan said, that is correct.

Senator Keating said, I believe this bill is an increased tax on the citizenry out there, and that is exactly what it is. It isn't a fee, it is a tax. If somebody is going to get a divorce they have to pay a tax.

Senator Harding said, on the other hand divorce creates the childrens' problems so we have Big Brothers and Sisters and they also create the problems for displaced homemakers. I think that is the reason for this bill.

Senator Hammond said, I can see the relationship just as Senator Harding has stated here, but it looks to me like we have to pass this bill or we will have to amend those monies out of the big bill.

Question was called, voted, passed. Senators Smith, Keating, Story and Boylan voting no, the remaining voting yes, the motion has carried.

DISPOSITION OF HOUSE BILL 20: AN ACT CREATING A LEGISLATIVE COMMITTEE ON INDIAN AFFAIRS. Motion by Senator Gage that House Bill 20 be concurred in.

Senator Jergeson asked Senator Gage, are you satisfied with \$4500? Is it adequate to try to handle the job? I have reservations that I share with Senator Hammond about meeting

# ROLL CALL

50th LEGISLATIVE SESSION - - 1987

Date 4-4-87

| NAME             | PRESENT | ABSENT | EXCUSED |
|------------------|---------|--------|---------|
| SENATOR REGAN    | ✓       |        |         |
| SENATOR HIMSL    | ✓       |        |         |
| SENATOR JACOBSON | ✓       |        |         |
| SENATOR BENGTON  | ✓       |        |         |
| SENATOR STIMATZ  | ✓       |        |         |
| SENATOR HARDING  | ✓       |        |         |
| SENATOR HAFLEY   | ✓       |        |         |
| SENATOR SMITH    | ✓       |        |         |
| SENATOR KEATING  | ✓       |        |         |
| SENATOR STORY    | ✓       |        |         |
| SENATOR BOYLAN   | ✓       |        |         |
| SENATOR JERGESON | ✓       |        |         |
| SENATOR TVEIT    |         |        | ✓       |
| SENATOR MANNING  | ✓       |        |         |
| SENATOR HAMMOND  | ✓       |        |         |
| SENATOR GAGE     | ✓       |        |         |
|                  |         |        |         |
|                  |         |        |         |
|                  |         |        |         |



### Montana Statistics:

Female head of households in Montana (no husbands present) = 20,117 (1980 Census).

Medium income of female headed households with children under 6 is \$4,931 which is below the poverty level (1980 Census).

There are 9,173 families on AFDC in Montana (1986 SRS).

In 1986, there were 4,704 women in the Montana workforce (DOL).

This leaves over 15,000 single female head of household as discouraged workers (using the above statistics).

Displaced homemaker Centers have been serving this population for 8 years in Montana. The Displaced homemaker numbers are increasing due to unemployment, divorce rates and single women choosing to keep their children.

Some specifics: There are 12 Displaced Homemaker Centers in Montana as of 1986. Not all centers receive State Funding due to the shortage of money; ONLY, 9 centers receive State Funds.

### Some Local Statistics: (clients served)

1. Bozeman Center: Serves average of 200 per year / Positive placement 75-80%
2. Great Falls Center: Serves average of 550 per year / Positive placement 65-80%
3. Butte Center: Serves average of 125 per year / Positive placement 80%
4. Billings Center: Serves average of 250 per year / Positive placement 65-80%
5. Missoula Center: Serves average of 100 per year / Positive placement 65-80%
6. Helena Center: Served 213-over 2 years / Positive placement 65-80%
7. Miles City Center: Serves average of 25 per year / Positive placement 65-80%
8. Havre Center: Serves average of 45 per year / Positive placement 65-80%

### U.S. Statistics:

(Fact Sheet on U.S. Working Women 1986) The number of families maintained by women grew almost 90% between 1970 and 1985. The growth is attributed largely to more marriages ending in divorce and more women having children without marrying.

(Fact Sheet 1986) In March 1985, there were more than 10.5 million families principally supported by women who were divorced, separated, widowed, or never married. These families accounted for almost 17% of all families in the U.S. compared with 13% in 1975.

(Fact Sheet 1986) Mothers raising children by themselves often receive no support from the absent father. In 1983, only 1/2 of the women with dependant children were awarded child support or had an agreement to receive it.

(Fact Sheet 1986) The majority of women work because of economic need. Nearly 2/3 of all women in the labor force in March 1985 were either single (25%), divorced (12%), widowed (5%), separated (4%), or had husbands whose 1984 earnings were less than \$15,000 (17%).

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 1

DATE 4-4-87

BILL NO. HB 460

Divorce Statistics: Rationale for Fee Increase

(1986 Montana Department of Vital Statistics) The number of divorces for Montana in 1985 equalled 4,258, which funded \$106,450 into the General Fund. HB 400 guaranteed \$150,000 each year to Montana Displaced Homemakers Centers. This is the only State Funding for Displaced Homemaker Centers. When this is broken down into dollars spent for training, it looks like this:

\*9,173 numbers on AFDC equals \$11.60 spent on each for training.

\*20,117 numbers of female head of household \$5.29 spent for training

\*15,000 female head of households not working (discouraged workers) equals \$7.09.

Presently \$75 per displaced homemaker is being used for training service number of 2,000 with State Funding at \$150,000 per year.

Increasing the Divorce Fee would bring in an estimated \$212,900 or \$220,000 per year for Displaced Homemaker Centers Training.

This is important funding for Displaced Homemaker Centers because many Federal Grants requires State Match in order to secure Federal money-without State money, little Federal Match money can be secured.

Since most Displaced Homemaker Centers are small service agencies this small amount of money from State Funding may seem insignificant but is, in fact, vital because it usually means a dollar for dollar Match by Federal, so actually it is double the amount received.

April 4 1957

MR. PRESIDENT

We, your committee on FINANCE AND CLAIMS

having had under consideration House Bill 460 No.

third reading copy ( blue )  
color

PERMANENTLY INCREASE MARRIAGE DISSOLUTION FEE; PROVIDE FOR FEE  
DISPOSITION

KEENAN (Regan)

Respectfully report as follows: That House Bill No. 460

BE CONCURRED IN

XXXXXX  
DO PASS

XXXXXXXXXX  
DO NOT PASS

SENATOR REGAN

Chairman.